

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to amendments filed on 01/15/2010, wherein the examiner acknowledges that claims 16 & 21 have been amended, claim 22 has been added, and no claim have been canceled; consequently claims 1-5 & 7-22 are currently pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher (US Patent Publication 2003/0060266) in view of Rowe (US Patent 6,620,046).

Claims 1 & 7: Baerlocher discloses a method for initiating access to a secondary game on a gaming device during the play of the primary game, the method comprising, presenting a pre-selected wager threshold to the player (0061-0062, wherein the threshold is presented in the game which is being utilized by the player), displaying a pre-stored trigger on the display (figure 1, element 56) accepting a wager, comparing the wager to a pre-selected wager threshold (or monetary input trigger condition) and initiating the secondary (bonus) game, when the accepted wager equals

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the pre-selected wager threshold, wherein the initialization of the bonus game occurs when the wagered amount crosses a threshold (or a monetary input trigger condition) (0061-0062 & 0065). Baerlocher also discloses reporting or awarding the outcome as a result of the wagering game (0020, 0067). Baerlocher also discloses a bonus condition being activated when the monetary input surpasses predefined amount and when the base game has achieved a bonus trigger condition. Baerlocher, however, fails to disclose that the bonus game is independent from the output of the base game.

In a related art, Rowe teaches a method for awarding bonuses in a gaming environment, furthermore, Rowe allows implementing a bonus game which is independent of specific outcome of a base game played on a gaming machine (col. 12: 56-67, wherein a player does not have to achieve a predefined condition or a trigger condition in a base game to activate a bonus game). Thus, it would have been obvious for one with ordinary skill in the art at the time of the invention, to have implemented an independent bonus game as taught by Rowe in the gaming system disclosed by Baerlocher, thus increasing player's desire to continue playing, because the players know that they can be eligible for a bonus regardless of their performance on the base game (col. 12: 62-67).

Claim 2: The combination of Baerlocher and Rowe teach accepting a wager to play the base (primary) game (Baerlocher, 0032).

Claim 3: The combination of Baerlocher and Rowe teach initiating the secondary (bonus) game when the accepted wager equals the pre-selected wager threshold (Baerlocher, 0061-0062 & 0064).

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Claim 4: The combination of Baerlocher and Rowe teach comparing the accepted wager to a maximum wager (Baerlocher, 0073).

Claim 5: The combination of Baerlocher and Rowe teach comparing the accepted wager to an amount less than a maximum wager (Baerlocher, 0067-0068).

Claim 8: The combination of Baerlocher and Rowe teach a first indicator for primary game and a second indicator for a secondary game (Baerlocher, 0035-0037).

Claim 9: The combination of Baerlocher and Rowe teach reel being an indicator (Baerlocher, 0032).

Claim 10: The combination of Baerlocher and Rowe teach wheel being a second indicator (Baerlocher, 0032).

Claims 11 & 13: The combination of Baerlocher and Rowe teach the pre-stored trigger being a wager type or amount (Baerlocher, 0061-0062).

Claim 12: The combination of Baerlocher and Rowe teach, the wager type trigger being a maximum wager amount (Baerlocher, 0073).

Claim 14: The combination of Baerlocher and Rowe teach that the pre-stored trigger is a wager source (wherein the wager source is the source which evokes machine into action 0061-0062, Baerlocher).

Claim 15: The combination of Baerlocher and Rowe teach that the wager source is a player-tracking card (Rowe, col. 8: 20-32).

Claim 22: The combination of Baerlocher and Rowe teach presenting the wager threshold through audio and visual means (Baerlocher, 0034).

***Claim Rejections - 35 USC § 103***

Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher and Rowe as applied to claims above, and further in view of Paulsen (US Patent Publication 2002/0142846).

Claims 16 & 21: Baerlocher discloses a gaming machine with a secondary game comprising accepting a wager on primary or base game, comparing the wager to a pre-selected wager threshold (or a monetary input trigger condition) and initiating the secondary (bonus) game when the accepted wager equals the pre-selected wager threshold (or a monetary trigger condition) (0061-0062 & 0064), wherein the initialization of the bonus game occurs when the wagered amount crosses a threshold (or a monetary input trigger condition) (0061-0062 & 0065). Baerlocher also discloses reporting or awarding the outcome as a result of the wagering game (0020, 0067). Baerlocher discloses bonus condition being activated when the monetary input surpasses predefined amount and when the base game has achieved a bonus trigger condition, however, Baerlocher fails to disclose means for determining whether a player is enrolled in a player tracking system and that the bonus game is independent from the output of the base game. Baerlocher, also fails to disclose a first predetermined threshold, which is different from a second predetermined threshold, wherein the first predetermined threshold applies to players enrolled in the player tracking system, and the second threshold applies to players not enrolled in the tracking system.

In a related art, Rowe teaches a method for awarding bonuses in a gaming environment. Rowe allows implementing a bonus game which is independent of

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specific outcome of a base game played on a gaming machine (col. 12: 56-67, wherein a player does not have to achieve a predefined condition or a trigger condition in a base game to activate a bonus game). Furthermore, Rowe also teaches means for determining whether a player is enrolled in a player tracking system (col. 2: 3-10).

Therefore, it would have been obvious for one with ordinary skill in the art at the time of the invention, to have implemented an independent bonus game as taught by Rowe in the gaming system disclosed by Baerlocher, to increase player's desire to continue playing because they know that they can be eligible for a bonus regardless of their performance on the base game (col. 12: 62-67, thus the combination of Baerlocher and Rowe will allow for the activation of secondary game regardless of timing of comparison, since the base game is not associated with activation of bonus game).

In an analogous art, Paulsen teaches providing players who are enrolled in the player tracking system, preferred promotional/reward opportunities which are not provided to players not enrolled in the player tracking system (abstract and 0034). Thus Paulsen, provides a different award to be presented to the player enrolled in the tracking system, than the award presented to the player not enrolled in the player tracking system, upon wagering on a gaming machine. Therefore, it would have been obvious for one with ordinary skill in the art at the time of the invention, to have modified the game machine disclosed by Baerlocher, to include promotional/reward opportunities to the players who are enrolled in the player tracking system, resulting in increased number of player's enrolling in the player tracking, thus building a repeating customer base.

Claims 17-19: The combination of Baerlocher, Rowe and Paulsen teach that the first outcome is the primary game outcome and secondary outcome is the secondary or bonus game outcome, and any combination thereof with the primary and the secondary game outcomes (Baerlocher 0036-0044 & 000061-0065).

Claim 20: The combination of Baerlocher, Rowe and Paulsen teach initiating the secondary (bonus) game when the accepted wager equals the pre-selected wager threshold (Baerlocher 0061-0062 & 0064).

### ***Response to Arguments***

Applicant's arguments filed on 1/15/2010 have been fully considered but they are not persuasive.

The applicant argues, on page 8 that the Baerlocher does not describe nor suggest presenting a pre-selected wager threshold to a player; the examiner respectfully disagrees with the applicant. Baerlocher discloses different embodiments used to initiate bonus round or bonus play (secondary play) on the gaming machine, including a wager dependent bonus activation, wherein, the bonus round trigger is activated when a certain amount of money is deposited by the player, thus surpassing the barrier required by the machine to initiate the bonus play (other embodiments disclosed by the reference of Baerlocher are additional ways to achieve bonus play on the machine and are not required to be necessary in order to achieve the initial wager dependent bonus game, as stated by the independent claims). Thus, Baerlocher

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discloses presenting a pre-selected wager threshold to a player by the means of a gaming device.

Regarding the applicant's arguments, on page 8, that Baerlocher does not describe or suggest displaying a pre-stored trigger, the examiner respectfully disagrees. Baerlocher discloses the gaming machine which is utilized to wager on a primary game and display the result of the primary game to the player. Baerlocher also discloses the activation of the secondary game being based on the monetary input trigger condition and when the game has achieved a bonus combination, wherein the bonus combination is a pre-stored trigger condition that is displayed on the display device to the player who has achieved the results.

Regarding the applicant's arguments on page 9 that combination of Baerlocher and Rowe would render the gaming device inoperable, the examiner respectfully disagrees. Baerlocher discloses bonus condition being activated when the monetary input surpasses predefined amount and when the base game has achieved a bonus trigger condition. Rowe teaches of implementing a bonus game which is independent of specific outcome of a base game played on a gaming machine (col. 12: 56-67), wherein a player does not have to achieve a predefined condition or a trigger condition in a base game to activate a bonus game. Thus the combination of Baerlocher and Rowe, when taken as a whole, teach a game machine with bonus condition that will be activated when the monetary input surpasses a predetermined threshold. Furthermore, the examiner would like to point out that it is an art accepted reason to add different

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features to a game to maintain player's interest and keep them coming back, which the combination of Baerlocher and Rowe achieves.

Regarding the applicant's arguments on page 11 that Baerlocher does not describe not suggest allowing secondary play on a gaming machine, the examiner respectfully disagrees. Baerlocher, in paragraph 0061, discloses a base game and condition(s) which needs to be achieved to active a bonus/secondary game. Wherein the bonus/secondary game is completely independent of the base game, once it has been activated.

Regarding the applicant's arguments on page 13 that no combination of Baerlocher, Rowe, and Paulsen describes nor suggests presenting to a player one of a first predetermined threshold and a second predetermined threshold, wherein the first predetermined threshold only applies to players enrolled in a player tracking system and wherein the second predetermined threshold applies to players not enrolled in the player tracking system, the examiner respectfully disagrees. Baerlocher discloses awarding a bonus game to a player when the monetary input surpasses predefined amount. Rowe allows implementing a bonus game which is independent of specific outcome of a base game played on a gaming machine (col. 12: 56-67, wherein a player does not have to achieve a predefined condition or a trigger condition in a base game to activate a bonus game). Furthermore, Rowe also teaches means for determining whether a player is enrolled in a player tracking system (col. 2: 3-10). Paulsen teaches providing players who are enrolled in the player tracking system, preferred promotional/reward opportunities which are not provided to players not enrolled in the

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player tracking system (abstract and 0034). Thus Paulsen, provides a different award to be presented to the player enrolled in the tracking system, than the award presented to the player not enrolled in the player tracking system, upon wagering on a gaming machine. Thus the combination of Baerlocher, Rowe and Paulsen, when taken as a whole, teach all of the claimed limitations of claims 16 & 21.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-Th 8 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/  
Primary Examiner, Art Unit 3714

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